

2009 DRAFTING REQUEST**Bill**Received: **09/23/2008**Received By: **pkahler**Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 7-7980**By/Representing: **Willing**This file may be shown to any legislator: **NO**Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - med. assist.**

Extra Copies:

Submit via email: **NO****Pre Topic:**

DOA:.....Willing, BB0089 -

Topic:

BadgerCare Plus childless adults enrollment fees

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 09/23/2008	jdye 09/25/2008					State
/1			rschluet 09/25/2008		lparisi 09/25/2008		State
/2	pkahler 10/24/2008	jdye 10/24/2008	rschluet 10/24/2008		cduerst 10/24/2008		State
/3	pkahler 12/11/2008	jdye 12/11/2008	jfrantze 12/11/2008		lparisi 12/11/2008		State
/4	pkahler 01/30/2009	jdye 01/30/2009	rschluet 01/30/2009		mbarman 01/30/2009		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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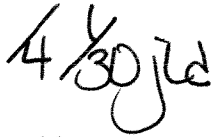
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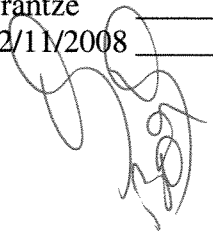
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/2	pkahler 10/24/2008	jdye 10/24/2008	rschluet 10/24/2008	_____	cduerst 10/24/2008		State
/3	pkahler 12/11/2008	jdye 12/11/2008	jfrantze 12/11/2008	_____	lparisi 12/11/2008		



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/2	pkahler 10/24/2008	jdye 10/24/2008	rschluet 10/24/2008		cdurst 10/24/2008		

FE Sent For:

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/?	pkahler 09/23/2008	jdyer 09/25/2008					State
/1		<i>2 10/24 jld</i>	rschluet 09/25/2008		lparisi 09/25/2008		

FE Sent For:

10/24/08
<END>

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/?

pkahler

1/9/24 jld

Handwritten signature and date 9/23/08

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: BadgerCare Plus Childless Adults Enrollment Fees
- Tracking Code: BB0089
- SBO team: Health and Insurance
- SBO analyst: Krista Willing
 - Phone: 267-7980
 - Email: krista.willing@wisconsin.gov
- Agency acronym: DHS
- Agency number: 435
- Priority (Low, Medium, High): High

Intent:

Create an appropriation that would allow the Department to use enrollment fee program revenue for support center administrative costs. See attached document

BadgerCare Plus Childless Adults Enrollment Fees

Decision Needed

Should the Department request statutory language to allow BadgerCare Plus Childless Adults' enrollment fees to be applied to the program's administrative costs?

Background

The Department submitted a request for a federal waiver from the Centers for Medicare and Medicaid Services to permit the Department to conduct a demonstration project to create a new benefit (BadgerCare Plus Childless Adults) for low-income adults 19-64 who lack access to health insurance. The program will require applicants to pay either a \$60 or \$75 enrollment fee, depending on the HMO they choose to enroll in.

The Department will establish a centralized, state-level support center for services to BadgerCare Plus Childless Adults, which will include customer service, application processing, and enrollment broker services. In addition, the federal government will require an evaluation as part of the BadgerCare Plus Childless Adults demonstration. Although the 2007-09 Budget Act provided authority to establish a demonstration project, it did not provide any funds for administrative costs.

The Department anticipates BadgerCare Plus Childless Adults will have approximately 36,900 enrollees at the end of SFY10 and 40,800 members in SFY11. Enrollment fees will generate program revenue of approximately \$2,212,900 in SFY10 and \$2,448,000 in SFY11. The Department anticipates all PR funds will be needed for administrative expenses.

Current statutory language gives the Department broad authority to establish the BadgerCare Plus Childless Adults program and to charge cost-share, but does not authorize the use of cost-share revenues for administrative costs. Statutory language is needed to allow the Department to use enrollment fee program revenue for support center administrative costs. Without a statutory language change these revenues will offset benefit costs, and GPR funds will be required for administrative expenses.

Current Language

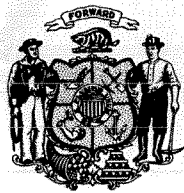
49.45 (23)(b) If the waiver is granted and in effect, the department may promulgate rules defining the health care benefit plan, including more specific eligibility requirements and cost-sharing requirements.

Proposed Change

Create a new PR appropriation under s.20.435 (4)(je) as follows:

BadgerCare Plus Childless Adults, enrollment fees. All money received from payment of enrollment fees collected under s.49.45 (23)(b), to be used for administration of the program under s.49.45 (23)(b).

Desired Effective Date: Upon passage of the bill
Agency: DHS
Agency Contact: Carrie Schneck, OPIB
Phone: 266-5362



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-03687

PJK: A:...

jd

DOA:.....Willing, BB0089 - BadgerCare Plus[✓] childless adults enrollment fees

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

(in 9-23)

do not get cost

1 AN ACT[✓]; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES[✓]

*

MEDICAL ASSISTANCE[✓]

[✓] Under current law, DHS is required to request a waiver from the secretary of the federal department of health and human services and, if the waiver is granted, is authorized to conduct a program providing health care coverage to adults under the age of 65[✓] who have incomes not exceeding 200 percent of the federal poverty line and who are not otherwise eligible for the Medical Assistance program or Medicare. DHS may promulgate rules regarding cost-sharing requirements for the program. This bill creates an appropriation for administration of the program that is funded by enrollment fees paid by persons enrolled in the program.

For further information see the *state*[✓] fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.435[✓] (4) (jh) of the statutes is created to read:

1 20.435 (4) (jh) *BadgerCare Plus* ✓ *childless adults; enrollment fees.* All moneys
2 received from payment of enrollment fees under the program under s. 49.45 (23), to ✓
3 be used for administration of the program under s. 49.45 (23). ✓

4

(END)



note: bud ✓

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

10-23-08

Kirsta Welling

LRB-0368

do not create new apprs.

- ① put enrollment fees in (4)(jw)
keep current (jw) purpose &
funding source but
add to it what's now
(jh) in draft.

- ② make (jw) a continuing apprs
that says "all \$ received"
and "10%"



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0368/1

PJK:jld:rs

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DOA:.....Willing, BB0089 - BadgerCare Plus childless adults enrollment fees

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

(in 10-24)

do not get cat

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

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1 20.435 (4) (jh) *BadgerCare Plus childless adults; enrollment fees.* All moneys
2 received from payment of enrollment fees under the program under s. 49.45 (23), to
3 be used for administration of the program under s. 49.45 (23).

4 ***NOTE: This SECTION involves a change in an appropriation that must be
 reflected in the revised schedule in s. 20.005, stats.

(END)

Insert 2-3

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0368/2ins
PJK:jld:rs

INSERT A

modifies an existing appropriation that pays a portion of the administrative costs of BadgerCare Plus by: 1) paying for the administration of the childless adult program from that appropriation; 2) adding enrollment fees paid by persons enrolled in the childless adult program as a funding source for the appropriation; and 3) changing the appropriation from biennial to continuing, which means that the unencumbered balance in the appropriation account stays in the account and does not lapse at the end of a fiscal year or biennium.

(END OF INSERT A)

INSERT 2-3

- 1 **SECTION 1.** 20.435 (4) (jw) of the statutes is amended to read:
- 2 20.435 (4) (jw) *BadgerCare Plus administrative costs.* Biennially, the amounts
- 3 in the schedule All moneys received from payment of enrollment fees under the
- 4 program under s. 49.45 (23) and 10 percent of all moneys received from penalty
- 5 assessments under s. 49.471 (9) (c), for administration of the program under s. 49.45
- 6 (23) and to provide a portion of the state share of administrative costs for the
- 7 BadgerCare Plus Medical Assistance program under s. 49.471. Ten percent of all
- 8 moneys received from penalty assessments under s. 49.471 (9) (c) shall be credited
- 9 to this appropriation account.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434; 2007 a. 20 ss. 331 to 422, 9121 (6) (a); 2007 a. 39, 88, 107, 111, 130; s. 13.92 (2) (i).

(END OF INSERT 2-3)

for use for the appropriations purposes

Kahler, Pam

From: Willing, Krista - DOA [Krista.Willing@wisconsin.gov]
Sent: Thursday, December 11, 2008 9:47 AM
To: Kahler, Pam
Subject: BadgerCare Plus childless adults enrollment fees language

- 0368

Hi Pam,

I recently sent the BadgerCare Plus Childless Adult Enrollment Fee language to the department to make sure it accomplishes what they are intending to accomplish.

I think there is just one more thing we need to tweak if at all possible. Would it be possible to also add language to the childless adults statute to allow the department to charge an annual enrollment fee no greater than \$75, to be clear that they can collect an enrollment fee? The current language says "cost share", but doesn't specifically say enrollment fee.

Please feel free to call me if you have any questions.

Thanks, I really appreciate your help with everything.

Krista

Krista Willing
Health and Insurance Team
Division of Executive Budget and Finance
(608) 267-7980
Krista.Willing@wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0368/3

PJK:jld:rs

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DOA:.....Willing, BB0089 - BadgerCare Plus childless adults enrollment fees

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

(in 12-11)

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1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

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Insert A

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9 ~~to this appropriation account.~~ ✓

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10

(END)

Insert 2-10 ✓

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0368/3ins
PJK.....

INSERT A

* ^{no \$} provides that cost^{g Δ}sharing under the program may include an enrollment fee, which may not exceed \$75[✓] per year. The bill also ^{annual} ~~NO \$~~

(END OF INSERT A)

INSERT 2-10

1 **SECTION 1.** 49.45 (23) (b)[✓] of the statutes is amended to read:

2 49.45 (23) (b) If the waiver is granted and in effect, the department may
3 promulgate rules defining the health care benefit plan, including more specific
4 eligibility requirements and cost-sharing requirements. Cost^{g Δ}sharing may include
5 an enrollment fee, which may not exceed \$75[✓] per year. Notwithstanding s. 227.24
6 (3), the plan details under this subsection may be promulgated as an emergency rule
7 under s. 227.24 without a finding of emergency. If the waiver is granted and in effect,
8 the demonstration project under this subsection shall begin on January 1, 2009, or
9 on the effective date of the waiver, whichever is later.

annual → (4) → (5)

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153.

(END OF INSERT 2-10)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0368/5

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DOA:.....Willing, BB0089 - BadgerCare Plus childless adults enrollment fees

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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MEDICAL ASSISTANCE

Under current law, DHS is required to request a waiver from the secretary of the federal Department of Health and Human Services and, if the waiver is granted, to conduct a program (childless adult program) providing health care coverage to adults under the age of 65 who have incomes not exceeding 200 percent of the federal poverty line and who are not otherwise eligible for the Medical Assistance program or Medicare. DHS may promulgate rules regarding cost-sharing requirements for the program. This bill provides that cost sharing under the program may include an annual enrollment fee, which may not exceed \$75 per year. The bill also modifies an existing appropriation that pays a portion of the administrative costs of BadgerCare Plus by: 1) paying for the administration of the childless adult program from that appropriation; 2) adding enrollment fees paid by persons enrolled in the childless adult program as a funding source for the appropriation; and 3) changing the appropriation from biennial to continuing, which means that the unencumbered balance in the appropriation account stays in the account for use for the appropriation's purposes and does not lapse at the end of a fiscal year or biennium.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.435 (4) (jw) of the statutes is amended to read:

2 20.435 (4) (jw) *BadgerCare Plus administrative costs. Biennially, the amounts*
3 ~~in the schedule~~ All moneys received from payment of enrollment fees under the
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5 assessments under s. 49.471 (9) (c), for administration of the program under s. 49.45
6 (23) and to provide a portion of the state share of administrative costs for the
7 BadgerCare Plus Medical Assistance program under s. 49.471. ~~Ten percent of all~~
8 ~~moneys received from penalty assessments under s. 49.471 (9) (c) shall be credited~~
9 ~~to this appropriation account.~~

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 2.** 49.45 (23) (b) of the statutes is amended to read:

11 49.45 (23) (b) If the waiver is granted and in effect, the department may
12 promulgate rules defining the health care benefit plan, including more specific
13 eligibility requirements and cost-sharing requirements. Cost sharing may include
14 an annual enrollment fee, which may not exceed \$75 per year. Notwithstanding s.
15 227.24 (3), the plan details under this subsection may be promulgated as an
16 emergency rule under s. 227.24 without a finding of emergency. If the waiver is
17 granted and in effect, the demonstration project under this subsection shall begin on
18 January 1, 2009, or on the effective date of the waiver, whichever is later.

19 (END)

D- vote

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

date

LRB-0368/4dn

PJK:~:~:~

jld

LRB-

This redraft removes the treatment of s. 20.435 (4) (jw) to reconcile LRB-0368/2, 1232/1, and 1265/3. All three LRB drafts should continue to appear in the compiled bill.

3

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0368/4dn
PJK:jld:rs

January 30, 2009

This redraft removes the treatment of s. 20.435 (4) (jw) to reconcile LRB-0368/3, LRB-1232/1, and LRB-1265/3. All three LRB drafts should continue to appear in the compiled bill.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0368/4

PJK:jld:rs

DOA:.....Willing, BB0089 - BadgerCare Plus childless adults enrollment fees

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, DHS is required to request a waiver from the secretary of the federal Department of Health and Human Services and, if the waiver is granted, to conduct a program (childless adult program) providing health care coverage to adults under the age of 65 who have incomes not exceeding 200 percent of the federal poverty line and who are not otherwise eligible for the Medical Assistance program or Medicare. DHS may promulgate rules regarding cost-sharing requirements for the program. This bill provides that cost sharing under the program may include an annual enrollment fee, which may not exceed \$75 per year. The bill also modifies an existing appropriation that pays a portion of the administrative costs of BadgerCare Plus by: 1) paying for the administration of the childless adult program from that appropriation; 2) adding enrollment fees paid by persons enrolled in the childless adult program as a funding source for the appropriation; and 3) changing the appropriation from biennial to continuing, which means that the unencumbered balance in the appropriation account stays in the account for use for the appropriation's purposes and does not lapse at the end of a fiscal year or biennium.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (23) (b) of the statutes is amended to read:

2 49.45 **(23)** (b) If the waiver is granted and in effect, the department may
3 promulgate rules defining the health care benefit plan, including more specific
4 eligibility requirements and cost-sharing requirements. Cost sharing may include
5 an annual enrollment fee, which may not exceed \$75 per year. Notwithstanding s.
6 227.24 (3), the plan details under this subsection may be promulgated as an
7 emergency rule under s. 227.24 without a finding of emergency. If the waiver is
8 granted and in effect, the demonstration project under this subsection shall begin on
9 January 1, 2009, or on the effective date of the waiver, whichever is later.

10 **(END)**